

Richard DiBenedetto
3 Loller Drive
Martinsville, NJ 08836
732-537-9552
Pro Se Defendant

United States District Court
District of New Jersey

Walsh Securities, Inc.,

Plaintiff,

Action NO.: CV-97-3496 (WGB)

Vs.

Hon. William G. Bassler

Cristo Property Management, LTD., a/k/a
G.J.L. Limited, Dek Homes of New Jersey, Inc.,
Oakwood Properties, Inc., National Home
Funding, Inc., Capital Assets Property Management,
L.L.C., William Kane, Gary Grieser, Robert
Skowrenski, II, Richard Calanni, Richard
DiBenedetto, James R. Brown, Thomas Brodo,
Roland Pierson, Stanley Yacker, Esq., Michael
Alfieri, Esq., Richard Pepsny, Esq., Anthony M.
Cicalese, Esq., Lawrence Cuzzi, Anthony
D'Apolito, DAP Consulting, Inc., Commonwealth
Land Title Insurance Co., Nations Title Insurance of
New York, Inc., Fidelity National Title Insurance Co.
Of New York, Coastal Title Agency, Stewart Title
Guaranty Company, Irene Difeo, Donny Pepsny,
Weichert Realtors and Vecchio Realty, Inc. D/B/A
Murphy Realty Better Homes and Gardens

Third Amended Complaint
Answer to Complaint

Defendants

1. Neither admitted or denied but leaves the plaintiff to its proofs.
2. Neither admitted or denied but leaves the plaintiff to its proofs
3. Neither admitted or denied but leaves the plaintiff to its proofs
4. Neither admitted or denied but leaves the plaintiff to its proofs
5. Neither admitted or denied but leaves the plaintiff to its proofs
6. Neither admitted or denied but leaves the plaintiff to its proofs
7. Neither admitted or denied but leaves the plaintiff to its proofs
8. Neither admitted or denied but leaves the plaintiff to its proofs
9. Neither admitted or denied but leaves the plaintiff to its proofs

10. Neither admitted or denied but leaves the plaintiff to its proofs
11. Neither admitted or denied but leaves the plaintiff to its proofs
12. Neither admitted or denied but leaves the plaintiff to its proofs
13. Neither admitted or denied but leaves the plaintiff to its proofs
14. Neither admitted or denied but leaves the plaintiff to its proofs
15. Neither admitted or denied but leaves the plaintiff to its proofs
16. Neither admitted or denied but leaves the plaintiff to its proofs
17. Denied
18. Neither admitted or denied but leaves the plaintiff to its proofs
19. Neither admitted or denied but leaves the plaintiff to its proofs
20. Neither admitted or denied but leaves the plaintiff to its proofs
21. Neither admitted or denied but leaves the plaintiff to its proofs
22. Neither admitted or denied but leaves the plaintiff to its proofs
23. Neither admitted or denied but leaves the plaintiff to its proofs
24. Neither admitted or denied but leaves the plaintiff to its proofs
25. Neither admitted or denied but leaves the plaintiff to its proofs
26. Neither admitted or denied but leaves the plaintiff to its proofs
27. Neither admitted or denied but leaves the plaintiff to its proofs
28. Neither admitted or denied but leaves the plaintiff to its proofs
29. Neither admitted or denied but leaves the plaintiff to its proofs
30. Neither admitted or denied but leaves the plaintiff to its proofs
31. Neither admitted or denied but leaves the plaintiff to its proofs
32. Neither admitted or denied but leaves the plaintiff to its proofs
33. Neither admitted or denied but leaves the plaintiff to its proofs
34. Neither admitted or denied but leaves the plaintiff to its proofs
35. Neither admitted or denied but leaves the plaintiff to its proofs

Jurisdiction

36. Neither admitted or denied but leaves the plaintiff to its proofs

Venue

37. Neither admitted or denied but leaves the plaintiff to its proofs

Introduction

38. Denied

39. Denied

40. Denied

41. Neither admitted or denied but leaves the plaintiff to its proofs
42. Neither admitted or denied but leaves the plaintiff to its proofs
43. Neither admitted or denied but leaves the plaintiff to its proofs

Factual Allegations

44. Neither admitted or denied but leaves the plaintiff to its proofs
45. Neither admitted or denied but leaves the plaintiff to its proofs
46. Neither admitted or denied but leaves the plaintiff to its proofs
47. Neither admitted or denied but leaves the plaintiff to its proofs
48. Neither admitted or denied but leaves the plaintiff to its proofs
49. Neither admitted or denied but leaves the plaintiff to its proofs
50. Denied
51. Neither admitted or denied but leaves the plaintiff to its proofs

- 52. Neither admitted or denied but leaves the plaintiff to its proofs
- 53. Neither admitted or denied but leaves the plaintiff to its proofs
- 54. Neither admitted or denied but leaves the plaintiff to its proofs
- 55. Neither admitted or denied but leaves the plaintiff to its proofs

Title Insurance

- 56. Neither admitted or denied but leaves the plaintiff to its proofs
- 57. Neither admitted or denied but leaves the plaintiff to its proofs
- 58. Neither admitted or denied but leaves the plaintiff to its proofs

The New Jersey Loan Frauds

- 59. Denied

The NHF / Cristo Property Enterprise

- 60. Denied
- 61. Denied
- 62. Denied
- 63. Denied

The Pattern

- 64. Neither admitted or denied but leaves the plaintiff to its proofs
 - a. Neither admitted or denied but leaves the plaintiff to its proofs
 - b. Neither admitted or denied but leaves the plaintiff to its proofs
 - c. Denied
 - d. Denied
 - e. Denied
 - 1) Denied
 - 2) Neither admitted or denied but leaves the plaintiff to its proofs
 - 3) Neither admitted or denied but leaves the plaintiff to its proofs
 - 4) Neither admitted or denied but leaves the plaintiff to its proofs
 - 5) Neither admitted or denied but leaves the plaintiff to its proofs
 - 6) Neither admitted or denied but leaves the plaintiff to its proofs
 - 7) Neither admitted or denied but leaves the plaintiff to its proofs
 - 8) Neither admitted or denied but leaves the plaintiff to its proofs
 - f. Neither admitted or denied but leaves the plaintiff to its proofs
 - g. Neither admitted or denied but leaves the plaintiff to its proofs
 - h. Neither admitted or denied but leaves the plaintiff to its proofs
 - i. Neither admitted or denied but leaves the plaintiff to its proofs
 - j. Neither admitted or denied but leaves the plaintiff to its proofs
 - k. Neither admitted or denied but leaves the plaintiff to its proofs
 - 1) Neither admitted or denied but leaves the plaintiff to its proofs
 - 2) Neither admitted or denied but leaves the plaintiff to its proofs
 - 3) Neither admitted or denied but leaves the plaintiff to its proofs
 - l. Neither admitted or denied but leaves the plaintiff to its proofs
 - m. Neither admitted or denied but leaves the plaintiff to its proofs
- 65. Neither admitted or denied but leaves the plaintiff to its proofs
 - a. Neither admitted or denied but leaves the plaintiff to its proofs
 - 1) Neither admitted or denied but leaves the plaintiff to its proofs
 - 2) Neither admitted or denied but leaves the plaintiff to its proofs
 - 3) Neither admitted or denied but leaves the plaintiff to its proofs

- 4) Neither admitted or denied but leaves the plaintiff to its proofs
- 5) Neither admitted or denied but leaves the plaintiff to its proofs
- 6) Neither admitted or denied but leaves the plaintiff to its proofs
- 7) Neither admitted or denied but leaves the plaintiff to its proofs
- 8) Neither admitted or denied but leaves the plaintiff to its proofs
- 9) Neither admitted or denied but leaves the plaintiff to its proofs
 - a. Neither admitted or denied but leaves the plaintiff to its proofs
 - b. Neither admitted or denied but leaves the plaintiff to its proofs
- 1) Neither admitted or denied but leaves the plaintiff to its proofs
- 2) Neither admitted or denied but leaves the plaintiff to its proofs
- 3) Neither admitted or denied but leaves the plaintiff to its proofs
- 4) Neither admitted or denied but leaves the plaintiff to its proofs
- 5) Neither admitted or denied but leaves the plaintiff to its proofs
- 6) Neither admitted or denied but leaves the plaintiff to its proofs
- 7) Neither admitted or denied but leaves the plaintiff to its proofs
- 8) Neither admitted or denied but leaves the plaintiff to its proofs
- 9) Neither admitted or denied but leaves the plaintiff to its proofs

66. Neither admitted or denied but leaves the plaintiff to its proofs

Count I

67. Defendant repeats answers to end and every paragraph 1 through 66 as fully set forth herein;

68. Admitted

69. Denied

70. Denied

71. Denied

72. Denied

73. Denied

a. Denied

b. Neither admitted or denied but leaves the plaintiff to its proofs

74. Denied

75. Denied

a. Denied

b. Denied

c. Denied

WHEREFORE, defendant prays the Court dismiss all claims by Walsh Securities.

Count II

76. Defendant repeats answers to end and every paragraph 1 through 75 as if fully set forth herein.

77. Admitted

78. Denied

79. Denied

80. Denied

a. Denied

b. Denied

c. Denied

WHEREFORE, defendant prays the Court dismiss all claims by Walsh Securities.

COUNT III

81. Defendant repeats answers to end and every paragraph 1 through 80 as fully set forth herein;

82. Denied

83. Denied

84. Denied

85. Denied

WHEREFORE, defendant prays the Court dismiss all claims by Walsh Securities.

COUNT IV

86. Defendant repeats answers to end and every paragraph 1 through 85 as fully set forth herein;

87. Neither admitted or denied but leaves the plaintiff to its proofs

88. Denied

89. Denied

90. Denied

91. Denied

WHEREFORE, defendant prays the Court dismiss all claims by Walsh Securities.

COUNT V

92. Defendant repeats answers to end and every paragraph 1 through 91 as fully set forth herein;

93. Neither admitted or denied but leaves the plaintiff to its proofs

94. Neither admitted or denied but leaves the plaintiff to its proofs

95. Neither admitted or denied but leaves the plaintiff to its proofs

96. Neither admitted or denied but leaves the plaintiff to its proofs

97. Neither admitted or denied but leaves the plaintiff to its proofs

98. Neither admitted or denied but leaves the plaintiff to its proofs

WHEREFORE, defendant prays the Court dismiss all claims by Walsh Securities.

COUNT VI

99. Defendant repeats answers to end and every paragraph 1 through 98 as fully set forth herein;

100. Neither admitted or denied but leaves the plaintiff to its proofs

101. Neither admitted or denied but leaves the plaintiff to its proofs

102. Neither admitted or denied but leaves the plaintiff to its proofs

103. Neither admitted or denied but leaves the plaintiff to its proofs

104. Neither admitted or denied but leaves the plaintiff to its proofs

105. Neither admitted or denied but leaves the plaintiff to its proofs

106. Neither admitted or denied but leaves the plaintiff to its proofs

107. Neither admitted or denied but leaves the plaintiff to its proofs

108. Neither admitted or denied but leaves the plaintiff to its proofs

WHEREFORE, defendant prays the Court dismiss all claims by Walsh Securities.

COUNT VII

109. Defendant repeats answers to end and every paragraph 1 through 108 as fully set forth herein;

110. Neither admitted or denied but leaves the plaintiff to its proofs

111. Neither admitted or denied but leaves the plaintiff to its proofs
112. Neither admitted or denied but leaves the plaintiff to its proofs
113. Neither admitted or denied but leaves the plaintiff to its proofs
114. Neither admitted or denied but leaves the plaintiff to its proofs
115. Neither admitted or denied but leaves the plaintiff to its proofs
116. Neither admitted or denied but leaves the plaintiff to its proofs
117. Neither admitted or denied but leaves the plaintiff to its proofs
118. Neither admitted or denied but leaves the plaintiff to its proofs

WHEREFORE, defendant prays the Court dismiss all claims by Walsh Securities.

PRAYER FOR RELIEF


WHEREFORE defendant prays for relief and demands judgment dismissing claim of plaintiff.

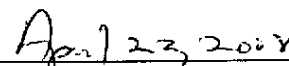
AFFIRMATIVE DEFENSES

1. Plaintiff is barred because the entire top management was involved in a conspiracy, the "NHF/Cristo/Walsh Securities Conspiracy".
2. Plaintiff's own sister that managed and was national sales manager and ran the day to day operations pleaded guilty in this scheme, making the plaintiff's claims all the more absurd.
3. Plaintiff is barred because Betty Ann DeMola, Robert Walsh and James Walsh all participated in a conspiracy to inflate the company's portfolio for an approximate four hundred million dollar buyout.
4. Plaintiff is barred because it has portrayed itself as a victim rather than its ringleader and chief conspirator.
5. Plaintiff's company immediately collapsed when it had to operate within the confines of the law and its business was useless and derived no competitive advantage other than its own frauds and criminal behavior. Absent those frauds Walsh Securities was worthless.
6. Plaintiff is bared by the doctrine of good faith and fair dealing.
7. Plaintiff is barred by the statute of frauds.
8. Plaintiff is barred by the doctrine of laches.
9. Plaintiff is barred by its own concealment.
10. Plaintiff is barred because giving it any relief is against public policy.

CERTIFICATION

I, Richard DiBenedetto, certify I have provided a copy of my Answer to plaintiff and all other parties, for whom I have applicable addresses.


Richard DiBenedetto


Date

3 Loller Drive
Martinsville, NJ 08836

April 22, 2008

U.S. District Court - Court Clerk
Hon. William G. Bassler's Chambers
Martin Luther King Federal Bldg.
50 Walnut Street
Newark, NJ 07102

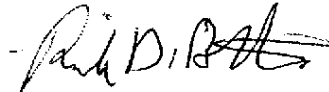
Re: Walsh Securities, Inc. vs. Cristo Property Management, LTD, et al.
Civil Action No.: 97-3496 (WGB)

Dear Sir/Madam:

Enclosed herewith please find three originals of my Answer to the Third Amended Complaint in the above referenced case. As you can see from the enclosed letter from plaintiff's attorney, the defendants in this case were given until April 25, 2008 to answer the complaint.

Enclosed is a self-addressed envelope for your convenience in returning a filed copy.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Richard DiBenedetto", with a stylized flourish at the end.

Richard DiBenedetto
Defendant Pro Se

Enclosures

BOIES, SCHILLER & FLEXNER LLP

150 JOHN F. KENNEDY PARKWAY • 4TH FLOOR • SHORT HILLS, NJ 07078 • PH. 973.218.1111 • FAX 973.218.1136

April 3, 2008

VIA U.S. MAIL

Defendants:

Anthony D'Apolito;
William Kane;
Gary Grieser;
Richard Calanni;
Richard DiBenedetto;
James Brown;
Thomas Brodo;
Stanley Yacker;
Lawrence Cuzzi; and
Vecchio Realty d/b/a Murphy Realty Better Homes and Gardens

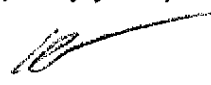
Re: Walsh Securities, Inc. v. Cristo Property Management, Ltd., et al.
Civil Action No.: 97-3496 (WGB)

Dear Gentlemen:

As you are aware, the Court has lifted the stay in this action and set a discovery schedule. The Court's docket sheet reflects that you have not filed an Answer to the Third Amended Complaint that was filed by Walsh Securities, Inc.'s on January 31, 2005. For your reference, enclosed is a copy of the Third Amended Complaint, which reflects the date it was filed with the Court. Since over three years have passed, if an Answer is not filed on your behalf, on or before April 25, 2008, Walsh Securities will have a default entered against each of the defendants that have not answered. Please advise if you have retained counsel that will be representing you in this matter.

Please feel free to contact me or Amy Wagner with any questions.

Very truly yours,


Robert A. Magnanini

Enclosure